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SUPREME COURT OF THE UNITED STATES

October Term 1975

MINOR MOODY

V

LOREN DAGGETT

Docket No. 74-6632

PETITIONER'S REPLY TO
RESPONDENT'S MEMORANDUM

Minor Moody, Pro Se
U.S. Penitentiary
Leavenworth, Ks 66048

In a reply brief recommending the Court grant Certiorari to resolve a conflict among the circuits, the Government has assumed Moody relied solely on this Court's ruling in Morrisey v Brewer, 408 US 471 as authority for our argument the Board of Parole must grant a prompt hearing on a parole violation warrant, even when the violation is based on a crime that resulted in a new federal sentence.

Moody's request for a prompt revocation hearing was made in March, 1975 and was based on pre-Morrisey law, 18 USC 4207, which directs:

> "A prisoner retaken upon a warrant issued by the Board of Parole, shall be given an opportunity to appear before the Board, a member thereof, or an Examiner designated by the Board . . ."

The law says nothing about a delay.

Alternatively, because Moody requested the Board to grant a revocation hearing after the Morrisey decision, he is entitled to the benefits of that decision.

Because under pre-Morrisey law Moody was entitled to a prompt revocation hearing, certiorari should be granted.

Respectfully Submitted,

10-24-75
Date

Minor Moody
Minor Moody, Pro Se